



**Minutes for Meeting of Thursday,
October 13, 2005**

Item-1 Call to Order

Chairwoman Leonard called the meeting to order at 5:04 p.m.

Item-2: Roll Call

Present – Chairwoman Dorothy Leonard, Vice-Chair Larry Westfall, Commissioners Charles H. Dick, Jr., Lee Biddle, Gil Cabrera (Commissioner Cabrera arrived at 5:07 p.m.)

Excused – Commissioner Karen Thomas-Stefano

Staff – Senior Investigator Lauri Davis, General Counsel Cristie C. McGuire, Program Manager Steve Ross, Financial Investigator Dee Dee Alari, and Executive Secretary Katherine Hunt

Item-3: Approval of Commission Minutes

Approval of September 8, Ethics Commission Minutes

Motion: Approve
Moved/Seconded: Dick/Biddle
Vote: Unanimous
Excused: Stefano/Cabrera

Item-4: Non-Agenda Public Comment

None

Item-5: Commissioner Comment

Chairwoman Leonard advised that she and Vice-Chair Westfall will be doing the performance evaluation for Executive Director Stacey Fulhorst in November or December and will report on the matter at the December Closed Session meeting.

Item-6: Executive Director Comment

Senior Investigator Davis advised that staff is handling matters during the Director's absence.

Item-7: General Counsel Comment

Counsel reported on two items:

(1) The San Diego Union Tribune editorial regarding the purported Ethics Commission investigation of wrongful disclosure of closed session materials. Counsel reviewed the law and the Attorney General's opinion alluded to in the editorial and is satisfied that the Commission and staff acted properly under proper authority. A more detailed report can be provided at the Commissioners' request.

(2) The United States District Court's decision regarding the lawsuit filed against the City by the San Diego Lincoln club. Judge Larry Burns issued an opinion dated October 6, in which he denied a preliminary injunction and upheld the constitutionality of the City's campaign finance laws limiting the sources and amounts of contributions to independent expenditure committees. Copies of the judge's ruling were distributed to the Commission.

Commissioner Cabrera arrived at 5:07 p.m.

Item-8: Proposed Amendments to Election Campaign Control Ordinance

Program Manager Steve Ross reported to the Commission on proposed amendments to the Election Campaign Control Ordinance. He advised that he and General Counsel Cristie McGuire made the proposed changes as directed by the Commission and that they reflect the Executive Director's suggested recommendations as presented in her memorandum to the Commission dated September 8, 2005. He proposed adding "business cards" to the definition of "mass campaign literature," stating that although this addition was not part of the October 7, 2005, Staff Recommendations, its explicit inclusion in the definition would be appropriate in light of the increasing use of this form of advertising. In

addition, he advised that the definition of “mass campaign literature” excludes electronic mail in order to mirror the current state law exclusion and in recognition of enforcement difficulties, but that staff would be monitoring developments in this area of regulation.

Motion: To approve amendments and include the addition of business cards within the definition of “mass campaign literature” and to docket the item for Council approval.

Moved/Seconded: Cabrera/Westfall

Vote: Unanimous

Excused: Stefano

Item-9: Adjourn to Closed Session

Chairwoman Leonard adjourned the meeting to Closed Session at approximately 5:57 p.m.

Reporting Results of Closed Session

Chairwoman Leonard reported the results of the Closed Session meeting of October 13, 2005

Item 1 - Conference with Legal Counsel (28 potential matters)

Case No. 2005-34 – Alleged Failure to Disqualify from a Municipal Decision Affecting Economic Interests

Motion: Initiate Investigation

Moved/Seconded

Vote: Unanimous

Excused: Stefano

Case Nos. 2005-36 through 2005-62

Motion: Initiate and Fast Track Investigations

Moved/Seconded:

Vote: Unanimous

Excused: Stefano

Adjournment

The meeting adjourned at approximately at 6:11 p.m.

Dorothy Leonard, Chairwoman
Ethics Commission

Katherine Hunt, Executive Secretary
Ethics Commission

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UPON REQUEST.***